

GOLENBOCK EISEMAN
ASSOR BELL & PESKOE LLP

ATTORNEYS AT LAW | 711 THIRD AVENUE., NEW YORK,
NY 10017-4014
T (212) 907-7300 | F (212) 754-0330 |
WWW.GOLENBOCK.COM

DIRECT DIAL No.: (212) 907-7341
EMAIL ADDRESS: PRICARDO@GOLENBOCK.COM

August 24, 2022

VIA ECF

The Honorable Jesse M. Furman
United States District Court
Southern District of New York
40 Centre Street, Room 2202
New York, NY 10007

Re: *Marsh USA Inc. v. Michael Machua Millett et al.*;
Case No. 22-cv-06656, **Adjournment of Preliminary
Injunction Hearing Requiring Immediate Attention**

Dear Judge Furman:

This firm represents Defendants in the above-referenced action. We are writing pursuant to Your Honor's Individual Rules and Practices in Civil Cases (the "Rules") 1(A) and 1(F) to address with the Court – jointly with counsel for plaintiff Marsh USA Inc. ("Plaintiff") – an adjourned date to hold the preliminary injunction hearing ("PI Hearing") that the Court originally scheduled on September 30, 2022, at 9:00 a.m. (Doc. No. 20) and, at the parties' request, thereafter adjourned to either October 13 or 14, 2022. (Doc. No. 24.) Because an adjournment of the PI Hearing would result in the parties conferring about a new expedited discovery schedule, we submit that this is an urgent matter requiring immediate attention.

Specifically, due to certain disagreements and challenges concerning the scheduling of depositions as part of expedited discovery, by letter dated August 19, 2022, the parties sought an adjournment of the PI Hearing to the week of October 10 or to October 17 or 18. (Doc. No. 23). On August 22, 2022, the Court entered an Order adjourning the PI Hearing to either October 13 or 14, 2022, extending the temporary restraining order ("TRO") through that time, and further ordering the parties to promptly submit an agreed-upon modification of the pre-hearing discovery schedule. (Doc. No. 24.) Due to a miscommunication on the part of Defendants, for which I apologize to the Court, after the Court issued its Order we learned that one of Defendants' witnesses will be out of the country on October 13 and 14.

The parties have since conferred about additional potential dates for the PI Hearing and hereby respectfully ask whether the Court would be available to adjourn the PI Hearing date from October 13 or 14, 2022, to a date during the week of October 24, 2022. The parties have further agreed that, if the Court is available for a PI Hearing that week, the TRO would be

August 24, 2022

Page 2

extended through the date of the PI Hearing, the parties would promptly confer about a new expedited discovery schedule for the depositions and document productions that they have sought to date, and the parties would promptly submit to the Court an agreed-upon modification of the pre-hearing discovery schedule.

In addition, Defendants' deadline for responding to the Complaint is August 25, 2022. Given the new schedule for the PI Hearing, Defendants respectfully request that their response deadline be extended to September 23, 2022. Plaintiff consents to this request, and no prior requests for an extension of this deadline have been made.

We thank the Court for its attention to this matter. And Defendants apologize again for the miscommunication that occurred.

Respectfully submitted,

GOLENBOCK EISEMAN ASSOR BELL
& PESKOE LLP


/s/ S. Preston Ricardo

S. Preston Ricardo

cc: Counsel of Record (via ECF)

Application GRANTED. The parties should hold October 24 and 25, 2022, for the hearing. If the Court is presiding over a felony criminal trial, the hearing will be held from 3 p.m. to 5 p.m. each day. If the felony criminal trial goes away (as the Court expects), the hearing will be held on October 25, 2022, beginning at 9:30 a.m. In either case, the temporary restraining order is extended through the end of the hearing. Defendants' deadline to respond to the Complaint is extended to September 23, 2022. Plaintiff is reminded to file proof of service of the Complaint and Summons -- or waiver thereof -- as to each Defendant. The Clerk of Court is directed to terminate ECF No. 25.

SO ORDERED.



August 25, 2022